

On December 22, 2017, the Court granted Plaintiffs' Motion to Certify. (Doc. 170.) On January 10, 2018, the Court lifted the stay on briefing. (Doc. 173.) Rather than respond to SnS's

Motion for Summary Judgment, Plaintiffs moved to dismiss it, arguing that the Court's order granting certification rendered the motion moot. (Docs. 174, 175.) SnS opposes the Motion to Dismiss and has filed a sur-reply. (Doc. 190.)


The Court concludes that SnS's Motion for Summary Judgment is not moot as Plaintiffs argue. "A case becomes moot—and therefore no longer a 'Case' or 'Controversy' for purposes of Article III—'when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982)). While the Court's certification order may bear directly on the merits of SnS's Motion for Summary Judgment, SnS retains a cognizable legal interest in the outcome of that motion. For this reason, the Court will deny Plaintiffs' Motion to Dismiss (Doc. 174).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Dismiss Defendant's Motion for Summary Judgment as to Katrina Wolfshoefer (Doc. 174) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs shall, **no later than Friday, September 7, 2018**, file their response to Defendant's Motion for Summary Judgment (Doc. 158). Defendant shall, **no later than Wednesday, September 12, 2018**, file any reply.

Dated this 5th day of September, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE